

Honorable Richard A. Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMRIK GILL and HARNIT GILL, husband
and wife and the marital community comprised
thereof,

Plaintiffs,

vs.

SAFECO INSURANCE COMPANY OF
AMERICA, a foreign insurance company; and
AMERICA'S ELITE INC., a Washington
corporation,

Defendants.

No. 2:18-cv-00244 RAJ

STIPULATED MOTION AND ORDER
REMANDING CASE TO SUPERIOR
COURT

STIPULATION

Plaintiffs Amrik Gill and Harnit Gill, and defendants Safeco Insurance Company of America ("Safeco") and America's Elite, Inc. ("AEI"), hereby jointly move and stipulate to an order remanding this action to the King County Superior Court, State of Washington.

1 On February 15, 2018, pursuant to 28 USC §§ 1332, 1441 and 1446, defendants jointly
2 removed this case from the Superior Court of the State of Washington, County of King, to the
3 United States District Court, Western District of Washington, based on diversity of citizenship
4 and the amount in controversy exceeding \$75,000. In their Joint Notice to Removal (*see* Docket
5 at 2), defendants alleged that plaintiffs' claims against AEI were without merit, and that AEI was
6 thus fraudulently joined in order to defeat diversity jurisdiction.

7 On March 1, 2018, plaintiffs filed a Motion to remand this matter back to State Court, on
8 the basis that—*inter alia*—their Complaint asserted a valid negligence claim against AEI (*see*
9 Docket at 16).

10 Neither Safeco nor AEI wish to oppose plaintiffs' Motion to Remand. As such, IT IS
11 HEREBY STIPULATED, by and between the parties hereto through their respective attorneys,
12 as follows:

13 1. Pursuant to 28 U.S.C. §§ 1447(c) and 1447(d), all further proceedings in this case
14 are REMANDED to the Superior Court for King County in the state of Washington, without fees
15 or costs to either party;

16 2. The Clerk of the Court shall send copies of this order to all counsel of record for
17 all parties,

18 3. Pursuant to 28 U.S.C. § 1447(c), the Clerk of the Court shall mail a certified copy
19 of the order of remand to the Clerk of the Court for the Superior Court for King County,
20 Washington,

21 4. The Clerk of the Court shall also transmit the record herein to the Clerk of the
22 Court for the Superior Court for King County, Washington,
23

1 5. The parties shall file nothing further in this matter, and instead are instructed to
2 seek any further relief to which they believe they are entitled from the courts of the state of
3 Washington, as may be appropriate in due course, and

4 6. The Clerk of the Court shall CLOSE this case.

5 The foregoing is so stipulated by the parties through their undersigned counsel, and
6 presented to the Court for endorsement.

<p>8 Dated this 7th day of March, 2018.</p> <p>9 FORSBERG & UMLAUF, P.S.</p> <p>10 <u>s/ Miles J.M. Stewart</u></p> <p>11 Matthew S. Adams, WSBA No. 18820</p> <p>12 Miles J.M. Stewart, WSBA No. 46067</p> <p>13 Attorneys for Defendant</p> <p>14 Safeco Insurance Company of America</p>	<p>8 Dated this 7th day of March, 2018.</p> <p>9 PREG O'DONNELL & GILLET</p> <p>10 <u>s/ Debra Dickerson</u></p> <p>11 Mark F. O'Donnell, WSBA No. 13606</p> <p>12 Debra Dickerson, WSBA No. 20397</p> <p>13 Attorneys for Defendant</p> <p>14 America's Elite Inc.</p>
<p>15 Dated this 7th day of March, 2018.</p> <p>16 KELLER ROHRBACK, LLP</p> <p>17 <u>Ian S. Birk</u></p> <p>18 William C. Smart, WSBA No. 8192</p> <p>19 Ian S. Birk, WSBA No. 31431</p> <p>20 Kathryn M. Knudsen, WSBA No. 41075</p> <p>21 Attorneys for Plaintiffs</p>	

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1. Pursuant to 28 U.S.C. §§ 1447(c) and 1447(d), all further proceedings in this case are **REMANDED** to the Superior Court for King County in the state of Washington, without fees or costs to either party;
2. The Clerk of the Court shall send copies of this order to all counsel of record for the parties;
3. Pursuant to 28 U.S.C. § 1447(c), the Clerk of the Court shall mail a certified copy of this order of remand to the Clerk of the Court for the Superior Court for King County, Washington;
4. The Clerk of the Court shall also transmit the record herein to the Clerk of the Superior Court for King County, Washington;
5. The parties shall file nothing further in this matter, and instead are instructed to seek any further relief to which they believe they are entitled from the courts of the state of Washington, as may be appropriate in due course, and
6. The Clerk of the Court shall **CLOSE** this case.

Richard A. Jones

The Honorable Richard A. Jones
United States District Judge